

1 ANDERSON, KILL & OLICK, P.C.
2 J. Andrew Rahl, Jr.
3 Michael J. Venditto
4 1251 Avenue of the Americas
5 New York, NY 10020
6 Telephone: (212) 278-1000
7 Facsimile: (212) 278-1733
8 Email: mvenditto@andersonkill.com

9
10 *Counsel for Newstart Factors, Inc.*

11 DOWNEY BRAND LLP
12 SALLIE B. ARMSTRONG (Bar No. 001243)
13 KEVIN A. DARBY (Bar No. 007670)
14 427 West Plumb Lane
15 Reno, NV 89509
16 Telephone: (775) 329-5900
17 Facsimile: (775) 786-5443
18 Email: reno@downeybrand.com

19 *Co-Counsel for Newstart Factors, Inc.*

20 UNITED STATES DISTRICT COURT

21 FOR THE DISTRICT OF NEVADA

22 In re:

23 BLUE BIRD BODY COMPANY, et al.,
24 Debtors.

25 **Case No. 3:06-cv-00066-LRH-VPC**

26 BK. No. BK-N-06-50026
Appeal Nos. 06-01 and 06-02

27 **STIPULATION AND ORDER TO ALLOW
INTERVENTION BY BANK GROUP**

28 Appellant Newstart Factors, Inc. ("Newstart") and Appellee Blue Bird Body Company
("Blue Bird"), by and through their undersigned counsel, hereby stipulate and agree to allow the
Bank Group¹ (defined in the Motion to Dismiss the Appeals at p. 1 as collectively the lender
banks of Blue Bird) to intervene as a party in interest in the present appeal pursuant to
Fed.R.Civ.P. 24(a) and 11 U.S.C. §1109. This Stipulation is based on the following facts and
circumstances:
29
30 ///

31 ¹ The Bank Group would act on behalf of all the lenders; multiple briefs by lenders are not contemplated.

1 A. On January 26, 2006 (the "Petition Date"), Blue Bird and certain of its affiliates
2 (collectively the "Debtors"), filed voluntary petitions for relief under Chapter 11 of title 11 of the
3 United States Code, 11 U.S.C. §§ 101-1532, as amended (the "Bankruptcy Code");

4 B. On January 27, 2006, the Bankruptcy Court held a hearing to consider approval of
5 the Debtors' Disclosure Statement and confirmation the Debtors' Joint Prepackaged Plan Of
6 Reorganization For Blue Bird Body Company And Certain Of Its Affiliates (the "Plan"). The
7 Debtors and the Bank Group made appearances and argument on the record in support of the
8 Plan, while Newstart made appearance and argument on the record in opposition to the Plan. At
9 the conclusion of the hearing, the Bankruptcy Court approved the Debtors' Disclosure Statement,
10 confirmed the Plan and entered an *Interim Order Approving Disclosure Statement And*
11 *Confirming Plan Of Reorganization* ("Order").

12 C. On February 2, 2006, Newstart filed a Notice of Appeal under 28 U.S.C.
13 158(a)(1), pursuant to which it initiated an appeal of, among other things, the Order. Also, on
14 February 2, 2006, Newstart elected to have its appeal heard by this Court.

15 D. Since the initiation of Newstart's appeal, counsel for Newstart and Blue Bird have
16 reached an agreement, subject to this Court's approval, to allow the Bank Group to intervene in
17 the instant appeal based upon, among other things, its interest in this matter and its significant
18 involvement at the Bankruptcy Court level.

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

1 NOW, THEREFORE, based on the foregoing, the parties hereto hereby agree and
2 stipulate to allow the Bank Group to intervene in the instant appeal pursuant to 11 U.S.C. § 1109
3 and Fed.R.Civ.P. 24(a). The Bank Group's answering brief shall be filed in the District Court no
4 later than the deadline for Blue Bird to file its answering brief in this appeal.
5

6 DATED: April 19, 2006

DOWNEY BRAND LLP

7 By: /s/ KEVIN A. DARBY
8 SALLIE B. ARMSTRONG, ESQ.
9 KEVIN A. DARBY, ESQ.

10 *Attorneys for Appellant Newstart Factors, Inc.*

11 DATED: April 19, 2006

LIONEL SAWYER & COLLINS

12 By: /s/ JENNIFER A. SMITH
13 JENNIFER A. SMITH

14 *Attorneys for Appellee Blue Bird Body Company*

15 IT IS SO ORDERED.
16 
17

18 UNITED STATES DISTRICT JUDGE

19 DATED: April 23, 2006